



John L. Scott  
Direct Phone: +1 212 205 6099  
Email: jlscott@reedsmit.com

Reed Smith LLP  
599 Lexington Avenue  
New York, NY 10022  
+1 212 521 5400  
Fax +1 212 521 5450  
reedsmit.com

May 23, 2014

**VIA ECF FILING**

The Honorable Sidney H. Stein  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: Tighe v. PNC Bank, N.A., et al, No. 1:14-cv-02107-SHS**

Dear Judge Stein:

The Court's Order dated May 16, 2014, (ECF No. 37), directed the parties to file a stipulation by today's date, if they agreed to the transfer of the above-referenced case to the Southern District of Ohio. This is to inform the Court that Defendants PNC Bank, N.A. ("PNC") and Alpine Indemnity Limited ("Alpine") do consent to the transfer of the above-referenced case to the Southern District of Ohio. I have been informed by counsel for all the other Defendants, and have their permission to represent to the Court, that all other Defendants also consent to the transfer.

While we believe that Plaintiff likewise consents to the transfer, unfortunately, the parties have not been able to agree upon the language of a stipulation. In that regard, I have enclosed a draft stipulation that is acceptable to all Defendants.

The difficulty from the perspective of PNC and Alpine is that Plaintiff's counsel in this case insists upon a stipulation that includes language that PNC and Alpine are concerned might later be argued to apply to, or be relevant to, other actions that have been filed or might be filed, by different plaintiffs' counsel, in other jurisdictions relating to PNC's lender placed insurance program. Specifically, although Plaintiff in this case and the plaintiff in *Lauren v. PNC Bank, N.A., et al.*, No. 2:14-cv-00230-GLF-TPK (S.D. Ohio) ("Lauren"), which is currently pending in the Southern District of Ohio, are represented by the same counsel, another putative class action relating to PNC's lender placed insurance program, *Montoya and Colonia v. PNC Bank, N.A. et al.*, Case No. 14-20474-civ-Martinez-Goodman (S.D. Fla.) ("Montoya"), has been filed in the Southern District of Florida. The plaintiffs in *Montoya* are represented by different counsel than plaintiff's counsel in this case and in *Lauren*. The *Montoya* case was not discussed at the status conference in this case on May 15, 2014, and PNC and Alpine do not believe that the Court intended that any stipulation that the parties might submit in this case would have any relevance or application to *Montoya*. Rather, we believe that, whatever issues, if any, may arise as between *Tighe/Lauren* and *Montoya*, those issues should be decided on the basis of the records in the respective cases, without reference to any stipulation entered here, a matter in which *Montoya*'s counsel is not present.

PNC and Alpine remain willing to try to reach an agreement with Plaintiff's counsel on a joint stipulation for transfer. Because the Court's May 16, 2014, Order directed that a stipulation be filed today if the parties agreed upon a transfer, however, PNC and Alpine believe it is appropriate to write to advise the Court of the situation and possible impasse.

Respectfully,



John L. Scott

Encl.

cc: All counsel of record (w/encl., by ECF)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LIBBY B. TIGHE, individually and on behalf of all others similarly situated,

Plaintiff,

v.

PNC BANK, N.A., ALPINE INDEMNITY LIMITED, ASSURANT, INC., AMERICAN SECURITY INSURANCE COMPANY, and STANDARD GUARANTY INSURANCE COMPANY

Defendants.

Civil Action No. 1:14-cv-2107 (SHS)

**JOINT STIPULATION AND  
[PROPOSED] ORDER**

**JOINT STIPULATION AND [PROPOSED] ORDER**

WHEREAS, on March 25, 2014, Plaintiff in the above-captioned action filed her Complaint against PNC Bank, N.A., Alpine Indemnity Limited (collectively, “PNC”), American Security Insurance Company (“ASIC”), Assurant, Inc., and Standard Guaranty Insurance Company (“SGIC”) (collectively, “Assurant”) (PNC, with Assurant, “Defendants”)<sup>1</sup> on behalf of a putative nationwide class of borrowers who have or had a residential mortgage loan or line of credit serviced by PNC and were charged for “lender-placed” hazard insurance issued through Assurant, Inc. and/or Assurant, Inc.’s subsidiaries (Dkt. No. 1);

WHEREAS, *Lauren v. PNC Bank, N.A., et al.*, No. 2:14-cv-00230-GLF-TPK (the “*Lauren action*”) is currently pending in the Southern District of Ohio and involves several of the same Defendants and the same or similar issues regarding PNC’s lender-placed hazard insurance practices;

---

<sup>1</sup> Plaintiff and Defendants are collectively referred to herein as the “Parties.”

WHEREAS, on May 16, 2014, this Court entered an Order instructing the Parties to determine whether or not they agree to have this action transferred to the Southern District of Ohio to join the *Lauren* action (Dkt No. 37);

WHEREAS, pursuant to the Court's May 16<sup>th</sup> Order, the Parties hereby stipulate and agree to the transfer of the above-captioned action to the Southern District of Ohio under 28 U.S.C. § 1404(a) to be coordinated with the *Lauren* action.

**SO ORDERED:**

---

Honorable Sidney H. Stein  
United States District Judge

*Parties' signatures appear on the following pages*

Dated: May \_\_\_\_, 2014

Respectfully submitted,

**KESSLER TOPAZ  
MELTZER & CHECK, LLP**

---

Joseph H. Meltzer (JM8493)  
Peter A. Muhic  
Tyler S. Graden  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056  
Email: jmeltzer@ktmc.com  
Email: pmuhic@ktmc.com  
Email: tgraden@ktmc.com

*Attorneys for Plaintiff and  
The Proposed Class*

**SULLIVAN & WORCESTER LLP**

---

Andrew T. Solomon  
Karen E. Abravanel  
1633 Broadway, 32<sup>nd</sup> Floor  
New York, NY 10019  
Telephone: (212) 660-3023  
Facsimile: (212) 660-3001  
Email: asolomon@sandw.com  
Email: kabravanel@sandw.com

*Attorneys for Assurant, Inc., American  
Security Insurance Company and  
Standard Guaranty Insurance Company*

Respectfully submitted,

**REED SMITH LLP**

---

Jack B. Cobetto  
225 Fifth Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 288-7282  
Facsimile: (412) 288-3063  
Email: jcobetto@reedsmith.com

*Attorney for PNC Bank, N.A. and  
Alpine Indemnity Limited*

**CARLTON FIELDS JORDEN BURT**

---

Frank G. Burt  
W. Glenn Merten  
Brian P. Perryman  
Richard D. Euliss  
1025 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007  
Telephone: (202) 295-6523  
Facsimile: (202) 965-8104  
Email: fburt@cfjblaw.com  
Email: gmerten@cfjblaw.com  
Email: bperryman@cfjblaw.com  
Email: reuliss@cfjblaw.com

*Attorneys for Assurant, Inc., American  
Security Insurance Company and  
Standard Guaranty Insurance Company*